IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2262 OF 2005

IN

SUIT NO. 404 OF 1997

Jagmohanlal Bilasrai Rungta
and anr. ....**Plffs.**

vs.

Man Industrial Corporation Ltd
and ors. .....**Defnds.**

Mr.R.K. Thakkar for plff no.1.

Mr. Shailesh Dalal i/b. S.C. Shah for defnd no.1 and 3.

CORAM: S.U. KAMDAR, J.

DATE : 22ND AUGUST 2005.

P.C. :

1. The present motion is taken out for setting aside the order by which appointment of commissioner is made for recording day to day evidence. It is the case of the defendant that the company was under BIFR and BIFR has recommended winding up of the defendant company.

As against that writ petition is preferred which is pending and is scheduled to come on 16.9.2005 in Rajasthan High Court. The learned counsel states that in so far as setting aside of the said order is concerned they may be put to the terms of cost and the matter should be restored. In view thereof defendant paying cost of Rs.7500/- to the plaintiffs within two weeks from today, the said order dated 7.7.2005 is set aside. The hearing of the suit is stayed. The defendants are directed to give intimation about the status of the case every six months and if any final order is passed either in Rajasthan High Court or before the concerned authorites then the same to be communciated within 15 days from the passing of the said order.

. Motion disposed off accordingly. No order as to costs.

sd/-

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